

REMARKS

Claims 1-3, 5, 6, 9-14, 20, 22, 23, 25, 26, 28, 41 and 43 are in the application, with Claims 1, 2, 5, 9-12, 14, 20, 22, 23, 25, 26, 28, 41 and 43 having been amended, and with Claims 4, 7, 8, 15-19, 21, 24, 27, 29-40, 42 and 44-47 having been cancelled. Claims 1, 20, 23, 26 and 41 are the independent claims herein. No new matter has been added. Reconsideration and further examination are respectfully requested.

Claim Rejections Under 35 USC § 102(e)

Claims 1-2, 12-14, 20, 23 and 26 are rejected as being anticipated by Liang et al. U.S. Patent No. 6,445,773 (“Liang”).

Claim 1 has now been amended so as to incorporate the limitation recited in former claim 8. As now presented, claim 1 is directed to a “method” which includes “performing at least part of a digital subscriber line handshaking process by transmitting at least one handshaking signal via a telephone subscriber loop” and “analyzing the at least one handshaking signal to detect an estimated length of the telephone subscriber loop”.

In view of the virtual equivalence of claim 1, as now presented, to former claim 8, the Examiner’s rejection of former claim 8 is particularly relevant.

Former claim 8 was rejected under 35 USC 103(a) on the basis of an asserted combination of the Liang and Afzal (USP 6,826,258). In explaining the rejection of former claim 8, the Examiner acknowledged that Liang fails to teach or suggest detecting the estimated length of a telephone subscriber loop, but the Examiner proposed to compensate for this deficiency in Liang by relying on teachings of Afzal in regard to estimating the length of a telephone line (the Examiner particularly referred to a passage at column 9, line 61 to column 10, line 10 in Afzal). However, applicant respectfully points out that Afzal refers only to a prior art line length estimation technique, such as capacitive measurement (column 10, lines 6-7), which is different from the loop length detection technique claimed in claim 1. In the method of claim 1, loop length is detected by analyzing at least one handshaking signal. This is a novel technique and is not taught or suggested by Afzal. Afzal does not in any way teach or suggest estimating

line length by analyzing one or more handshaking signals. Thus Afzal fails to make up the deficiencies of the Liang reference.

Moreover, assuming that one of ordinary skill in the art were motivated to combine the teachings of Afzal with those of Liang, this would only result in a method that uses DMT signals for test purposes, while using capacitive measurement or the like to detect line length. This does not result in a method in which handshaking signals are analyzed to detect loop length. Neither of the Liang and Afzal references in any way suggests that loop length be detected by analysis of handshaking signals. It is therefore respectfully submitted that the proposed combination of references would fail to produce the method as recited in claim 1.

For the above reasons, it is requested that the rejection of claim 1 be reconsidered and withdrawn.

Claims 2, 3, 5, 6 and 9-14 are dependent on claim 1 and are submitted as patentable on the same basis as claim 1.

The other independent claims, which are claims 20, 23, 26 and 41, have been amended in similar fashion to claim 1, and are submitted as patentable on the same basis as claim 1, together with their dependent claims. The other pending rejections under § 103(a) are not believed to present any issues which require further discussion.



Application Serial No.: 10/644,229
Amendment and Response to April 22, 2005 Non-Final Office Action

CONCLUSION

Accordingly, Applicant respectfully requests allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-3460.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nathaniel Levin".

June 21, 2005

Date

Nathaniel Levin
Registration No. 34,860
Buckley, Maschoff & Talwalkar LLC
Five Elm Street
New Canaan, CT 06840
(203) 972-3460